



March 21, 2001

Mayor:
DAN ALBERT

Councilmembers:
JULIUS A. CANEPA
DON EDGREN
CLAUDE ROBERSON
RUTH V. LEAND

City Manager:
FRED ALBERT

Honorable Robert O'Farrell
Presiding Judge of the Superior Court
Monterey County
P.O. Box 1819
Salinas, CA 93902

Re: Final Report of the 2000 Monterey County Civil Grand Jury

Dear Judge O'Farrell:

Pursuant to Penal Code Section 933(b), the following responses are respectfully submitted:

**MONTEREY BAY CONTAMINATION, PART 2: STORM WATER RUN-OFF
PERMIT REQUIREMENTS**

FINDINGS:

Finding #2: "Of all the Agencies surveyed, only the City of Monterey has a fully developed plan to meet the Phase II NPDES requirement. In 1993, the City approved a storm-drain utility fee to fund the development and implementation of the permit requirements. The City has since developed a comprehensive plan that addresses all the minimum measures outlined by the U.S.EPA. Monterey has also been a leader, along with the state Regional Water Quality Control Board, the Monterey Bay National Marine Sanctuary, the City of Santa Cruz, the Coastal Commission, and the Association of Monterey Bay Area Governments in creating the Model Urban Run-off Program guide, which assists other cities in creating permit plans."

Respondent agrees with the finding.

The City of Monterey continues to take a leadership role in the NPDES Phase II Program on a local, state, and national basis. The City of Monterey is well prepared to meet the Phase II requirements and has a funding mechanism in place to fund development and implementation. The City of Monterey continues to expand our existing program to include additional components. The City is currently working on a project to inventory, evaluate, and map all storm drain system components. The City also continues in developing

additional storm drain education tools including Public Service Announcements, radio advertisements, and educational videos.

RECOMMENDATIONS:

Recommendation #1: "Agencies requiring an NPDES Phase II permit immediately begin all necessary preparations for meeting the federal requirement. Full engagement on this issue, including developing auxiliary funding sources if they are necessary, must begin now to ensure the best chance of meeting the requirements by March 10, 2003.

The recommendation has been implemented.

The City of Monterey began preparations for meeting the NPDES Phase II permit requirements in 1995, prior to the promulgation of the Rule. Funding is in place to meet the requirements of the rule. The City currently has 5.5 Full Time Equivalent positions dedicated to the storm water program. The City has worked with the Monterey Regional Water Pollution Control Agency and the Central Coast Regional Water Quality Control Board, which is the local NPDES Permitting Authority, to develop the framework for implementing a regional NPDES permit on the Monterey Peninsula.

Recommendation #2: "Local agencies use the City of Monterey as a resource in meeting Phase II requirements. The Model Urban Run-off Program guide can be utilized by all Agencies in meeting the federal mandate."

The recommendation has been implemented.

The City of Monterey has been a resource for other local agencies to use for many years. In 1997 City of Monterey staff and others involved in the Model Urban Runoff Program development gave two workshops to staff from local agencies throughout the Monterey Bay region. City of Monterey staff have been the liaison between local agencies and the California Storm Water Quality Task Force by attending bi-monthly meetings of the Task Force and bringing pertinent information back to the local community. City of Monterey staff have chaired the Phase II Working Group of the California Storm Water Quality Task Force since 1997. Locally, City of Monterey staff have chaired the AMBAG Storm Water Quality Task Force, an information exchange of local agency staff, since its creation.

In 1999, City of Monterey staff was asked by the Water Quality Protection Program of the Monterey Bay National Marine Sanctuary to lead in efforts to ensure that other local agencies are implementing the Model Urban Runoff Program. City staff made presentations to the City Councils of the City of Pacific Grove and the City of Carmel-by-the-Sea at their request in 2000. An open offer to other local agencies has been extended for the same presentation.

The City of Monterey regularly receives requests for copies of the Model Urban Runoff Program from across the country. The City is happy to direct requests to the proper channels for ordering or downloading copies of the Model Urban Runoff Program from the Internet.

<http://www.swrcb.ca.gov/~rwqcb3/Downloads/downloads.html>

Recommendation #3: "Agencies work with the Storm Water Subcommittee to develop a regional plan to meet the permit requirements. Such a plan could allow Agencies to realize certain economy of scale savings and a more successful implementation of NPDES."

The recommendation has been implemented.

City of Monterey staff continues to work with the Storm Water Subcommittee of the Monterey Regional Water Pollution Control Agency. Monterey's City Council authorized staff to send the attached statement of interest letter to the Monterey Regional Water Pollution Control Agency to officially indicate our interest in pursuing a regional permit for the Monterey Peninsula at their meeting of January 2, 2001. Several City staff members have been part of the Monterey Regional Water Pollution Control Agency Working Group to develop recommendations for a regional permit since work began in February 2000.

Additional Comments:

Finding #3: "Local Agencies have joined together under the recently formed Storm Water Subcommittee to explore a possible partnership for meeting the NPDES requirements. The objective of the subcommittee, formed by the Monterey Regional Water Pollution Control Agency, is to explore the advantages, disadvantages, and feasibility of having a regional permit, rather than individual permits for each entity."

The respondent disagrees partially with the finding.

The Storm Water Subcommittee of the Monterey Regional Water Pollution Control Agency was formed in early 2000 to explore options for implementing a regional permit. That permit would encompass the Cities of Marina, Seaside, Sand City, Del Rey Oaks, Monterey, Pacific Grove, Carmel, and the contiguous areas of Monterey County that must be permitted. Other cities in Monterey County were not included in discussions of the Subcommittee, and the permit boundary has been chosen to encompass the watershed surrounding the above named cities. It is expected that the Monterey County Water Resources Agency will undertake the MRWPCA role for the Salinas Valley watershed.

The County of Monterey has been involved in the discussion of logical permit boundaries, and will consider whether to discuss another regional permit for southern Monterey County. Having a permit including numerous unincorporated areas as well as urbanized and incorporated areas would make it difficult to manage and administer a regional permit. It would also be difficult to administer and manage a permit covering a very large geographic area. The benefits of having a regional permit are best achieved by including jurisdictions and entities in close proximity to each other, and located in common watersheds.

DOMESTIC VIOLENCE

FINDINGS:

Finding #1: "All 12 police stations, as well as the Sheriff's Department, were in general compliance with the 1996 Grand Jury recommendation that domestic violence information be readily available. However, the type of materials offered varied widely at each location, as did the level of accessibility visitors had to the information".

Response: The respondent agrees with the finding. The respondent has no information regarding the type and accessibility of Domestic Violence material in other police agencies in Monterey County. The Monterey Police Department (MPD) has relevant, up to date material that is readily accessible to the public 24-hours a day.

Finding#2: "Based on data gathered by the 2000 Grand Jury, a relatively small number of citizens picked up domestic violence materials at police stations. Walking into a police station may be intimidating to many individuals who are in need of information. The grand Jurors were further informed by most jurisdictions that officers responding to a domestic violence call always carry written information about a victim's legal rights and available resources for assistance. Unfortunately, by the time an officer responds to a domestic violence call, the brochure provided at the incident is after the fact."

Response: The respondent agrees with the finding.

Finding #3: "Some smaller community police stations and the Sheriff's sub-stations do not have seven-day-a-week, 24-hour-a-day access to provide availability of materials. One small Monterey Peninsula police station provided 24-hour-a-day access to domestic violence materials through a covered receptacle located outside the station. Civilian staff at the station reported this receptacle is replenished more frequently than the one inside".

Response: The respondent partially agrees with this finding. As previously stated in Finding #1, the Monterey Police Department provides relevant domestic violence material in an easily accessible location 24-hours a day.

Monterey Police Department has not conducted a survey of procedures of other agencies and as such has no knowledge of how they provide this service.

Finding #4: “Not all law enforcement agencies claimed to have a special unit or a specific officer in charge of domestic violence, but each indicated that most officers were trained in domestic violence issues”.

Response: The respondent agrees with this finding. Monterey Police Department has a designated full-time Domestic Violence Detective, specifically trained to investigate cases of this nature. In addition, all sworn police officers in the agency receive domestic violence training in the academy, as well as, periodic update training.

Finding #5: “Children of all ages from all socio-economic and cultural backgrounds may routinely witness domestic violence in their homes. The California Attorney General’s Office publication, *Domestic Violence Handbook – A Survivor’s Guide* (p.7), reports that, ‘While domestic violence is not hereditary, it has been shown to be learned behavior and is often handed down from one generation to the next.’ Physical assault within the family can become accepted as a normal part of life and may not even be recognized as a crime by some men and women. Children from these homes need help in developing life management skills that may prevent them from becoming abusers or the abused in their teen or adult life.”

Response: The respondent agrees with this finding.

Finding #7: “The Correctional Training Facility at Soledad donated the first printing of the domestic violence information brochure created by the Council. At that time, the brochures were distributed in quantity to law enforcement agencies and related non-profit service providers. In addition to an initial stock of brochures, each agency was to be provided a camera-ready master to be used to replenish the supply as needed within each individual organization. The Coordinating Council is a non-funded agency and, as such, has no budget for printing and distributing brochures on a regular basis. Therefore, it becomes the responsibility of each distributing agency to provide copies of the brochure.”

Response: The respondent agrees with this finding. Monterey Police Department’s Domestic Violence Detective is charged with ensuring proper supplies of ALL relevant materials, including the information brochure mentioned in this finding, are replenished as needed.

RECOMMENDATIONS:

Recommendation #1: “Each police station and the Sheriff’s Department review its policies and procedures to ensure the availability of, and easy access to, domestic violence information for the general public. Further efforts be made to standardize

the compliance criteria among all law enforcement departments to meet the requirements of the Penal Code to a far greater extent.”

Response: The respondent partially agrees with this recommendation. The respondent’s policy and operational criteria for all domestic violence situations is to provide all relevant material to victims in a timely manner. Budgets and service levels vary among police agencies, therefore, the probability of mandating compliance standards would prove difficult.

Recommendation #2: “Law enforcement agencies, domestic violence resource agencies, and the Board of Supervisors through the Domestic Violence Coordinating Council of Monterey County, look at additional sites to distribute domestic violence information. To the degree possible, considering resources available, the 2000 Grand Jury supports increased effort in making information available at locations such as walk-in clinics, drug store pharmacy counters, post offices, libraries, and other suitable venues visited by local citizens on a regular basis. Such availability could increase the probability of getting information into the right hand before serious domestic violence problems develop or escalate.”

Response: The respondent does not disagree with the recommendation, however, funding is an issue as well as diverting the Domestic Violence Officer’s (DMO) time to locate sites and continually supply informational material is not the most effective use of the DMO’s time.

Recommendation #3: “Police stations that do not have 24-hour inside access to available materials provide an outside receptacle such as a metal box or protected display rack clearly marked to contain domestic violence information. As some may feel too intimidated to enter the police station to request information, an outside container may provide increased access to all segments of society.”

Response: The recommendation has been partially implemented. The respondent feels the location of the material, at present, is appropriate for our agency. 24-hour access is provided and acquiring the information does not require contacting police employees. Pamphlets are printed in English and Spanish as well. No outside receptacle is needed.

Recommendation #4: “While not all police stations are large enough to have a specific unit dedicated to domestic violence, one officer be designated and trained as the expert on domestic violence. Such an expert could oversee ongoing training of the police force and offer detailed attention to the important issue of domestic violence.”

Response: The recommendation has previously been implemented. The City of Monterey does employ a full-time Domestic Violence Officer, who is specifically trained in all domestic violence issues. Training of the agency’s officers is a component of the Domestic Violence Officer’s responsibilities.

Recommendation #5: "Existing programs that educate children about domestic violence be emphasized and expanded to protect and reach more of them at an earlier age to help break the cycle of violence. Programs that focus on strengthening interpersonal relationships and developing a capacity for tolerance and respect for self and others are needed at every grade level within our community schools. The 2000 Grand Jury further recommends law enforcement officers use their interactions with school-age children as opportunities to include advice and counsel on the subject of domestic violence."

Response: The recommendation has been implemented. The City of Monterey employs three (3) School Resource Officers (SRO's). Part of their duties is to address the issues of tolerance, respect, and awareness of the rights of others in the student's day to day interaction with friends, family, etc. The SRO's visit each elementary and middle school in the City of Monterey jurisdiction and conduct a 17-week program that addresses the issues in this recommendation.

Recommendation #7: "Each police station, Sheriff's Department and sub-stations, and all other agencies providing the Council's domestic violence brochure as a resource verify the availability of an adequate supply. In addition, each site should determine that a master copy was, in fact, received and is available, and if not, contact the Council to obtain a new master to ensure a future supply of brochures."

Response: The City of Monterey is in compliance with this recommendation. The Domestic Violence Officer is tasked with maintaining adequate supplies of brochures in both English and Spanish.

Sincerely,



Dan Albert
Mayor

c: City Council



DEPARTMENT OF PUBLIC WORKS

January 4, 2001

Mr. Robert S. Jaques
Monterey Regional Water Pollution Control Agency
5 Harris Court, Building D
Monterey, CA 93940

Subject: Statement of Interest in Being Included in a Regional Phase II Storm Water Permit

Dear Mr. Jaques,

In response to your letter of November 2, 2000, this is to advise you that the Council of the City of Monterey received a report from staff on January 2, 2001 regarding the continuing work that your agency is doing to put together a Regional Phase II NPDES Storm Water Permit.

Based on the preliminary information that has been developed thus far, the City Council determined that the City is interested in being a participant in a regional storm water permit, and would like to have the MRWPCA serve as the Administrative Agent for the permit.

Sincerely,


W. E. Reichmuth, P.E.
Director of Public Works

C: City Manager
City Engineer